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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,715	07/20/2000	Hiroshi Niimi	FUJO 17.577	3322
26304	7590	05/28/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			RYMAN, DANIEL J	
			ART UNIT	PAPER NUMBER

2665

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/620,715

Applicant(s)

NIIMI ET AL.

Examiner

Daniel J. Ryman

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: on page 26, line 3 “steps 13 and S2” should be “steps S13 and S2”.

Appropriate correction is required.

3. Examiner requests that Applicant update the application information see on page 1, lines 4-7 of the specification in order to include any changes to the status of the application.

Claim Objections

4. Claim 13 is objected to because of the following informalities: “a plurality of receiving devices receiving respective picture data” should be “receiving respective picture data” since claim 13 is directed to a method and not a system. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5 and 8-11, 13, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Edens et al (USPN 6,611,537).

7. Regarding claim 1, Edens discloses a picture distribution system for distributing picture data from a distribution device to a plurality of receiving devices, comprising: a network where a plurality of logical channels are established in a time division multiplex method (col. 9, line 56-col. 10, line 21); a distribution device (DSS tuner or DVD player) distributing picture data via a logical channel designated by a distribution instruction (col. 13, line 58-col. 14, line 30; col. 40, lines 7-44; col. 42, line 58-col. 44, line 33; and col. 53, line 64-col. 54, line 55); and a plurality of receiving devices (televisions) receiving picture data from respective logical channels designated by receiving instructions (col. 13, line 58-col. 14, line 30; col. 40, lines 7-44; col. 42, line 58-col. 44, line 33; and col. 53, line 64-col. 54, line 55).

8. Regarding claim 2, referring to claim 1, Edens discloses that the network is a ring-shaped transmission line (col. 9, line 56-col. 10, line 3).

9. Regarding claim 3, referring to claim 1, Edens discloses a determination unit determining a number of logical channels to be established in said network (col. 25, lines 9-12; col. 29, line 46-col. 30, line 37; col. 32, lines 28-43; col. 33, lines 19-67; col. 34, lines 17-26; and col. 53, line 64-col. 54, line 55).

10. Regarding claim 4, referring to claim 1, Edens discloses an allocation unit allocating respective bands used to transmit picture data to the plurality of logical channels (col. 32, lines 28-43; col. 33, lines 19-67; col. 34, lines 17-26; and col. 53, line 64-col. 54, line 55).

11. Regarding claim 5, referring to claim 1, Edens discloses a determination unit determining a number of logical channels to be established in said network depending on a number of picture

Art Unit: 2665

data to be transmitted (col. 25, lines 9-12; col. 29, line 46-col. 30, line 37; col. 32, lines 28-43; col. 33, lines 19-67; col. 34, lines 17-26; and col. 53, line 64-col. 54, line 55); an allocation unit allocating respective bands used to transmit picture data to the plurality of logical channels (col. 32, lines 28-43; col. 33, lines 19-67; col. 34, lines 17-26; and col. 53, line 64-col. 54, line 55); and a generation unit generating a distribution instruction based on said determination unit and allocation unit and sending the distribution instruction to said distribution device (col. 35, lines 11-20; col. 39, line 47-col. 40, line 44; col. 42, line 58-col. 44, line 33; and col. 53, line 64-col. 54, line 55).

12. Regarding claim 8, referring to claim 5, Edens disclose that the distribution device generates a receiving instruction according to a received distribution instruction and transmits the receiving instruction to a corresponding receiving device via said network (col. 40, lines 7-44; col. 42, line 58-col. 44, line 33; and col. 53, line 64-col. 54, line 55).

13. Regarding claim 9, Edens discloses a distribution device which is used in a picture distribution system for distributing picture data from a distribution device to a plurality of receiving devices via a network where a plurality of logical channels are established by a time division multiplex method, comprising a distribution unit (DSS tuner or DVD player) distributing picture data to a plurality of receiving devices (television) with a function to receive picture data from a logical channel designated by a receiving instruction via a logical channel designated by a distribution instruction (col. 13, line 58-col. 14, line 30; col. 40, lines 7-44; col. 42, line 58-col. 44, line 33; and col. 53, line 64-col. 54, line 55).

14. Regarding claim 10, Edens discloses a receiving device which is used as one of a plurality of receiving devices in a picture distribution system for distributing picture data from a

Art Unit: 2665

distribution device to a plurality of receiving devices via a network where a plurality of logical channels are established by a time division multiplex method, comprising a receiving unit (televisions) receiving a set of picture data from a logical channel designated by a receiving instruction, the set of picture data being transmitted from a distribution device (DSS tuner or DVD player) with a function to distribute picture data via a logical channel designated by a distribution instruction (col. 13, line 58-col. 14, line 30; col. 40, lines 7-44; col. 42, line 58-col. 44, line 33; and col. 53, line 64-col. 54, line 55).

15. Regarding claim 11, Edens discloses a picture distribution system for distributing picture data from a distribution device to a plurality of receiving devices, comprising: a network where a fixed-length frame composed of a plurality of time slots are transmitted (col. 9, line 56-col. 10, line 21 and col. 29, line 46-col. 30, line 37); one or more distribution devices (DSS tuner or DVD player) storing first picture data in a first time slot of the fixed-length frame, storing second picture data in a second time slot of the fixed-length frame, and transmitting the fixed-length frame to the network (col. 13, line 58-col. 14, line 30; col. 25, lines 3-20; col. 40, lines 7-44; col. 42, line 58-col. 44, line 33; and col. 53, line 64-col. 54, line 55); and a plurality of receiving devices (televisions) receiving the respective picture data from the first or second time slots of the fixed-length frame according to a receiving instruction (col. 13, line 58-col. 14, line 30; col. 25, lines 3-20; col. 40, lines 7-44; col. 42, line 58-col. 44, line 33; and col. 53, line 64-col. 54, line 55).

16. Regarding claim 13, Edens discloses a picture distribution method for distributing picture data from a distribution device to a plurality of receiving devices, comprising: establishing a plurality of logical channels by a time division multiplex method (col. 9, line 56-col. 10, line 21);

Art Unit: 2665

distributing picture data via a logical channel designated by a distribution instruction (col. 13, line 58-col. 14, line 30; col. 40, lines 7-44; col. 42, line 58-col. 44, line 33; and col. 53, line 64-col. 54, line 55); and receiving respective picture data from logical channels designated by corresponding receiving instructions (col. 13, line 58-col. 14, line 30; col. 40, lines 7-44; col. 42, line 58-col. 44, line 33; and col. 53, line 64-col. 54, line 55).

17. Regarding claim 14, referring to claim 13, Edens discloses determining a number of logical channels to be established according to a number of picture data to be transmitted (col. 25, lines 9-12; col. 29, line 46-col. 30, line 37; col. 32, lines 28-43; col. 33, lines 19-67; col. 34, lines 17-26; and col. 53, line 64-col. 54, line 55); allocating respective bands used to transmit picture data to a plurality of logical channels to be established (col. 32, lines 28-43; col. 33, lines 19-67; col. 34, lines 17-26; and col. 53, line 64-col. 54, line 55); and generating the distribution instruction based on the determined number of logical channels and allocated bands (col. 35, lines 11-20; col. 39, line 47-col. 40, line 44; col. 42, line 58-col. 44, line 33; and col. 53, line 64-col. 54, line 55).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edens et al (USPN 6,611,537) as applied to claim 5 above, and further in view of Natarajan (USPN 5,742,594).

Art Unit: 2665

20. Regarding claim 6, referring to claim 5, Edens does not disclose that priority is given in advance to the plurality of logical channels, and said allocation unit allocates respective bands to the plurality of logical channels based on the priority given to each logical channel; however, Edens does disclose using a priority value in order to determine a master clock device in the network (col. 48, lines 22-35 and col. 48, line 66-col. 49, line 43). Natarajan teaches, in a shared bandwidth communication network, that priority is given in advance to the plurality of logical channels (defining a number of logical channels in a frame which are available to a priority level), and said allocation unit allocates respective bands to the plurality of logical channels based on the priority given to each logical channel in order to allocate bandwidth to users requiring various types and amounts of data rate service (col. 1, line 64-col. 2, line 6; col. 3, lines 13-36; col. 5, lines 43-61; and col. 6, lines 20-64). It would have been obvious to one of ordinary skill in the art at the time of the invention to give priority in advance to the plurality of logical channels, and to allocate, by the allocation unit, respective bands to the plurality of logical channels based on the priority given to each logical channel in order to allocate bandwidth to users requiring various types and amounts of data rate service.

21. Regarding claim 7, referring to claim 5, Edens does not disclose that priority is given in advance to the plurality of receiving devices; and said allocation means allocates respective bands to said plurality of logical channels based on the priority given to each receiving device; however, Edens does disclose using a priority value in order to determine a master clock device in the network (col. 48, lines 22-35 and col. 48, line 66-col. 49, line 43). Natarajan teaches, in a shared bandwidth communication network, that priority is given in advance to the plurality of receiving devices (defining a priority level for a group of devices based on a type of data

Art Unit: 2665

transmission); and said allocation means allocates respective bands to said plurality of logical channels based on the priority given to each receiving device in order to allocate bandwidth to users requiring various types and amounts of data rate service (col. 1, line 64-col. 2, line 6; col. 3, lines 13-36; col. 5, lines 43-61; and col. 6, lines 20-64) where the type of transmission also defines a priority for the receiving device since the application at the receiving device which receives the information defines the type of data which is transmitted. It would have been obvious to one of ordinary skill in the art at the time of the invention to give priority in advance to the plurality of receiving devices, and to allocate, by the allocation unit, respective bands to the plurality of logical channels based on the priority given to each receiving devices in order to allocate bandwidth to users requiring various types and amounts of data rate service.

22. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edens et al (USPN 6,611,537) as applied to claim 11 above, and further in view of Champlin et al (USPN 4,665,518).

23. Regarding claim 12, referring to claim 11, Edens does not disclose that if third picture data are requested to be distributed while the first and second picture data are being distributed, said one or more distribution devices store the first picture data in the first time slot of the fixed-length frame, store the second and third picture data in the second time slot of the fixed-length frame, and transmit the fixed length frame to said network. Champlin teaches, in a synchronous, time-division system, that if third data are requested to be distributed while the first and second data are being distributed, said one or more distribution devices store the first picture data in the first time slot of the fixed-length frame, store the second and third picture data in the second time slot of the fixed-length frame, and transmit the fixed length frame to said network in

Art Unit: 2665

order to allow a single time slot to be shared (col. 18, lines 38-47) where it is implicit that sharing a single time slot increases the number of simultaneous users a system can support. It would have been obvious to one of ordinary skill in the art at the time of the invention to store the second and third picture data in the second time slot of the fixed-length frame in order to allow a single time slot to be shared which increases the number of simultaneous users a system can support.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (703)305-6970. The examiner can normally be reached on Mon.-Fri. 7:00-5:00 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703)308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703)308-6743.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Daniel J. Ryman
Examiner
Art Unit 2665

DJR

Daniel J. Ryman


HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600